

**MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**

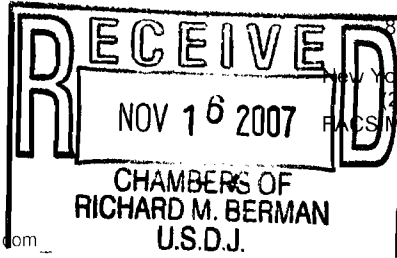
ATTORNEYS AT LAW

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November 15, 2007

BY HAND

Honorable Richard M. Berman  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 21D  
New York, NY 10007

Re: Rebecca Viebrock vs. Michael D. Dendy & Associates, LLC  
Case No.: 07 Civ. 7824  
MDMC File No.: C0054-1644

<p>PL to respond with 2-3 pp 6 hrs by 11/26/07. Conf. on 12/3/07.</p> <p><b>SO ORDERED</b> Date: 11/16/07 <i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.</p>
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Honorable Sir:

This firm represents the defendant in the above matter. In accordance with your Honor's Individual Practice Rules enclosed are courtesy copies of defendant's Answer and Fed. R. Civ. P. 7.1 Statement for Chambers.

Previously, on November 13, 2007, I wrote to your Honor on defendant's behalf requesting that at the initial case management conference the Court consider defendant's request for permission to move for dismissal of this action pursuant to Fed. R. Civ. P. 12(b) (2), lack of jurisdiction over the person, and 12(b) (3), improper venue; or, in the alternative, that the action be transferred pursuant to 28 U.S.C. 1404 to an appropriate United States District Court in either Louisiana or Wisconsin, where the transactions underlying the plaintiff's allegations occurred. In connection with the same, I also asked should permission be granted, that the Court extend defendant's time to respond to the complaint until a date to be determined by the Court or agreed upon by the parties after the Court renders a decision on the motion.

Because the initial conference was adjourned from November 14, 2007 to December 3, 2007, the defendant interposed an answer. Accordingly, I am amending my aforesaid request to the extent that an extension of the defendant's time to answer is no longer necessary. However, for the reasons set forth in my letter to the Court dated November, 13, 2007, the defendant continues to seek the Court's permission to move to dismiss or transfer this action.

**McELROY, DEUTSCH, MULVANEY & CARPENTER LLP**

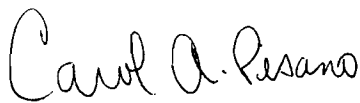
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United States District Judge  
November 16, 2007

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Thank you for the Court's consideration

Respectfully submitted,

McElroy, Deutsch, Mulvaney & Carpenter, LLP

  
Carol A. Pisano

cc: Amir J. Goldstein, Esq. (By E-Mail delivered on 11-15-07)  
*Attorney for Plaintiff*